

**REMARKS**

Claims 1-41 were pending.

Claims 1, 3, 12, 15, 16, 18, 33, 35, and 38 have been amended.

Claims 2, 4-6 and 13-14 have been canceled without prejudice.

Claims 1, 3, 7-12, and 15-41 remain pending.

**Of the currently pending claims:**

**Claims 1, 7-9, 11, 12, 15-20, 24, 25, 26-28, 32 and 35-40** stand rejected under 35 USC §102(e) and being anticipated by Childers et al. (US Patent 6,619,789).

**Claim 3** stands rejected under 35 USC §103(a) as being unpatentable over Childers et al. in view of Steinmetz et al. (US Patent 6,488,369).

**Claims 10, 22 and 29** stand rejected under 35 USC §103(a) as being unpatentable over Childers et al. in view of Hsu et al. (published US Patent Application 2002/0071013).

**Claim 21** stands rejected under 35 USC §103(a) as being unpatentable over Childers et al. in view of Pawlowski, Jr. et al. (US Patent 6,779,875).

**Claims 30 and 31** stand rejected under 35 USC §103(a) as being unpatentable over Childers et al. in view of Studer et al. (US Patent 6,905,198).

**Claims 33 and 34** stand rejected under 35 USC §103(a) as being unpatentable over Childers et al. in view of Steinmetz et al. and in further view of Hsu et al.

**Claim 41** stands rejected under 35 USC §103(a) as being unpatentable over Childers et al. in view of Needham (US Patent 4,658,268).

**Claim 23 was not rejected in the Office Action with any specificity and is therefore presumed allowable.**

**Regarding the §102(e) Rejections:**

The amended independent claims are clearly distinguishable over Childers et al. in that the recited reservoir is configured to store a free volume of printing fluid and air mixed together as opposed to a bag of ink that is kept separate from the air as in Childers et al. It is respectfully requested that the §102(e) rejections be reconsidered and withdrawn for at least this reason.

More specifically, per **Claims 1, 7-9, and 11** Childers et al. fails to disclose a printing-fluid container, comprising:

- an off-axis printing-fluid reservoir configured to hold a free volume of printing fluid and air mixed together therein, the printing-fluid reservoir having a substantially planar unitary leading edge;

- a printing-fluid interface on the leading edge and extending into the reservoir and configured to move printing fluid into and out of the printing-fluid reservoir; and

- an air-interface on the leading edge and extending into the reservoir and configured to move air into and out of the printing-fluid reservoir in response to the movement of the printing-fluid into and out of the reservoir.

More specifically, per **Claims 12, 15-20, 24, 25, 26-28, and 32** Childers et al. fails to disclose a printing-fluid container, comprising:

- an off-axis printing-fluid reservoir configured to hold a free volume of printing fluid and air mixed together therein, the printing-fluid reservoir having a leading edge configured for lateral insertion into a printing system;

- a printing-fluid interface on the leading edge of the printing-fluid reservoir and extending into the reservoir, wherein the printing-fluid interface is configured to output printing fluid from the printing-fluid reservoir during a first mode of operation and is configured to input printing fluid into the printing-fluid reservoir during a second mode of operation; and

- an air-interface on the leading edge of the printing-fluid reservoir and extending into the reservoir, wherein the air-interface is configured to regulate pressure within the printing-fluid reservoir by inputting air into the printing-fluid reservoir during the first mode of operation and by outputting air from the printing-fluid reservoir during the second mode of operation.

More specifically, per **Claims 35-37** Childers et al. fails to disclose a printing-fluid container, comprising:

- reservoir means for holding a free volume of printing fluid and air mixed together therein;

- means for laterally outputting printing fluid from the reservoir means during a first mode of operation and for laterally inputting printing fluid into the reservoir means during a second mode of operation; and

- means for regulating pressure within the reservoir means by laterally inputting air into the reservoir means during the first mode of operation and by laterally outputting air from the reservoir means during the second mode of operation.

More specifically, per **Claims 38-40** Childers et al. fails to disclose a method for supplying printing-fluid comprising:

storing a free volume of printing fluid and air mixed together in a reservoir having an air-interface and a printing-fluid interface;

allowing printing fluid to exit the reservoir through the printing-fluid interface and allowing air to enter the reservoir through the air-interface during a first mode of operation; and

allowing printing fluid to return to the reservoir through the printing-fluid interface and allowing air to exit the reservoir through the air-interface during a second mode of operation.

Regarding the §103(a) Rejections:

It is noted that each of the above-stated obviousness rejections under §103(a) relies on Childers et al. Applicants also note that both the present application (which is a CIP of a CIP) and the reference Childers et al. were commonly owned by, or subject to an obligation of assignment to, Hewlett-Packard Company at the time the present invention was made. Accordingly, pursuant to 35 U.S.C. §103(c), Childers et al. (cited under 35 U.S.C. §102(e)) is not prior art under 35 U.S.C. §103.

Applicants further note that both the present application and the reference Steinmetz et al. were commonly owned by, or subject to an obligation of assignment to, Hewlett-Packard Company at the time the present invention was made. Accordingly, pursuant to 35 U.S.C. §103(c), Steinmetz et al. (which could only be cited under 35 U.S.C. §102(e)) is not prior art under 35 U.S.C. §103.

Applicants further note that both the present application and the reference Pawlowski, Jr. et al. were commonly owned by, or subject to an obligation of assignment to, Hewlett-Packard Company at the time the present invention was made. Accordingly, pursuant to 35 U.S.C. §103(c), Pawlowski, Jr. et al. (which could only be cited under 35 U.S.C. §102(e)) is not prior art under 35 U.S.C. §103.

Applicants further note that both the present application and the reference Studer et al. were commonly owned by, or subject to an obligation of assignment to, Hewlett-Packard Company at the time the present invention was made. Accordingly, pursuant to 35 U.S.C. §103(c), Studer et al. (which could only be cited under 35 U.S.C. §102(e)) is not prior art under 35 U.S.C. §103.

With the Childers et al., Steinmetz et al, Pawlowski, Jr. et al., and/or Studer et al. references being unavailable as prior art under 35 U.S.C. §103, the obviousness rejections of **Claims 3, 21, 30, and 31** are rendered moot.

With the Childers et al. reference being unavailable as prior art under 35 U.S.C. §103, the §103 rejections of **Claims 10, 22 and 29** need to rely on the teachings of Hsu et al. However, these rejections must fall as the Office Action implies that Hsu et al. fail to disclose or suggest all of the claims limitations.

With the Childers et al. and Steinmetz et al. references being unavailable as prior art under 35 U.S.C. §103, the §103 rejections of **Claims 33 and 34** need to rely on the teachings of Hsu et al. However, these rejections must fall as the Office Action implies that Hsu et al. fail to disclose or suggest all of the claims limitations.

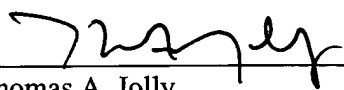
With the Childers et al. reference being unavailable as prior art under 35 U.S.C. §103, the §103 rejection of **Claim 41** needs to rely on the teachings of Needham. However, this rejection must fall as the Office Action implies that Needham fails to disclose or suggest all of the claims limitations.

### CONCLUSION

Claims 1, 3, 7-12, and 15-41 are clearly patentable over the cited art and are in condition for allowance; notice to that effect is respectfully requested.

Respectfully submitted,

Date: 1/24/06

  
\_\_\_\_\_  
Thomas A. Jolly  
Reg. No. 39,241